

<p style="text-align: right;">Page 5</p> <p>1 Videoconference deposition of SHARIF JABER taken 2 remotely before Jamie D. Mackrell, Court Reporter and 3 Notary Public in and for the State of Florida at Large, in 4 the above cause. 5 THE COURT REPORTER: Please raise your right 6 hand. 7 Do you swear or affirm that the testimony you 8 are about to give will be the truth, the whole truth, and 9 nothing but the truth? 10 THE WITNESS: Yes, I do. 11 THE COURT REPORTER: Thank you. 12 Thereupon -- 13 SHARIF JABER, 14 having been first duly sworn or affirmed, was examined and 15 testified as follows: 16 DIRECT EXAMINATION 17 BY MR. DESOUZA: 18 Q. I was going to say good afternoon, Mr. Jaber, but 19 I'm not sure what time it is in Milwaukee. 20 A. Morning. 21 Q. Well, then good morning to you. 22 A. Good morning. 23 Q. So, Mr. Jaber, we are here today in connection 24 with a deposition in the case of Prepared Food Photos 25 versus Nofal LLC and you individually as Defendant. Are</p>	<p style="text-align: right;">Page 7</p> <p>1 several pages. But starting on Page 5, do you see that 2 there is a list of deposition topics, and it goes from 1 3 through 32? Do you see that? 4 A. Uh-huh. 5 Q. I'm sorry, sir. You are going to have to give me 6 a verbal answer. Yes? No? 7 A. Yes. Yes. 8 Q. Only because it's hard for the court reporter to 9 take down nods or mm-hhms or uh-uhs. 10 A. No. Yes, I will. I see that. 11 Q. Thank you. Have you ever seen this document 12 prior to today? 13 A. Yes. 14 Q. When do you recall first seeing this document? 15 A. I think when you just sent it to me a couple of 16 months ago. 17 Q. Now, this is a Notice of Deposition of Nofal LLC. 18 Do you have some connection to that company? 19 A. Yes. 20 Q. Okay. 21 A. Owner. 22 Q. What is Nofal LLC? What does it do for business? 23 A. It's a grocery store. 24 Q. Is it named -- is the grocery store named Nofal? 25 A. It's named Food Town Mart.</p>
<p style="text-align: right;">Page 6</p> <p>1 you aware of that? 2 A. Yes, I do. 3 Q. What is your understanding of what this lawsuit 4 is about? What's at issue in this lawsuit? 5 A. I don't think there is a lawsuit against me. I 6 don't have any -- 7 Q. I'm sorry. I didn't hear you. Let me close my 8 door. It's a little loud. 9 I apologize. So, Mr. Jaber, I asked you what do 10 you believe this lawsuit is about and I didn't quite catch 11 your answer. 12 A. I don't believe that there is a lawsuit, and I'm 13 not involved in any -- the fault of anything. 14 MR. DESOUZA: Okay. Let's do this, I'm going to 15 mark as Exhibit 1 for today's deposition a copy of 16 the Notice of Deposition of Nofal LLC. Let me see if 17 I can share that for you. 18 (Exhibit No. 1 was marked for identification.) 19 BY MR. DESOUZA: 20 Q. Mr. Jaber, do you see that up on the screen? 21 A. Yes. 22 Q. Exhibit 1 is a copy of the Notice of Deposition 23 of Nofal LLC, and it's dated August 21, 2023. Correct? 24 A. Yes. 25 Q. Okay. And in this document it goes on for</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. All right. So it's Nofal and it does business as 2 Food Town Mart? 3 A. Yes. 4 Q. And you said you are the owner of Nofal, correct? 5 A. Yes. 6 Q. Are there any other owners? 7 A. No. 8 Q. Do you understand what a limited liability 9 company is? 10 A. Yes. 11 Q. Am I correct in saying that you are the sole or 12 only member of Nofal LLC? 13 A. Yes. 14 Q. Has that always been the case? 15 A. Yes. 16 Q. Other than yourself, is there anybody else that 17 has any control of Nofal LLC? 18 A. No. 19 Q. What's the location of the Food Town Mart grocery 20 store? 21 A. 3217 West Villard. 22 Q. 3217 West Villard. Does it sell anything besides 23 groceries there? 24 A. No. 25 Q. All right. Sir, do you understand that you are</p>

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<p style="text-align: right;">Page 9</p> <p>1 testifying today not only as an individual defendant but</p> <p>2 also as the corporate representative of Nofal LLC?</p> <p>3 A. Yes.</p> <p>4 Q. And do you understand that you have been</p> <p>5 designated today to testify with respect to each of the 32</p> <p>6 topics that are listed in this deposition notice for Nofal</p> <p>7 LLC?</p> <p>8 A. Yes.</p> <p>9 Q. Do you happen to have a paper copy of that there</p> <p>10 with you, or just the electronic copy on the screen?</p> <p>11 A. No. Electric copy on the screen.</p> <p>12 Q. Okay. To your recollection, and I'm happy to</p> <p>13 scroll through these if you want me to, but are there any</p> <p>14 topics in this depo notice that you are not prepared to</p> <p>15 provide testimony on?</p> <p>16 A. No.</p> <p>17 Q. So if I ask questions on the subject matter of</p> <p>18 these topics you should be prepared to answer those</p> <p>19 questions, correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What did you do to prepare for this deposition?</p> <p>22 And, you know, if you had discussions with your attorney,</p> <p>23 you can just tell me I talked to my attorney. I don't want</p> <p>24 to know the substance of those conversations. Okay?</p> <p>25 A. Yes, I did. I spoke with my attorney about it.</p>	<p style="text-align: right;">Page 11</p> <p>1 lawsuit is about?</p> <p>2 A. It's about some photos. I don't know what photo</p> <p>3 it is.</p> <p>4 Q. Okay.</p> <p>5 A. I don't know what kind of photo are you talking</p> <p>6 about, because I didn't take no photos. I did not do any</p> <p>7 advertising.</p> <p>8 Q. How long have you been the owner of Food Town</p> <p>9 Mart in Milwaukee?</p> <p>10 A. From 2017.</p> <p>11 Q. What did you do prior to 2017?</p> <p>12 A. I was working at a different grocery store.</p> <p>13 Q. Well, let's talk about 2017. You were not the</p> <p>14 owner of Food Town Mart, and then you became the owner of</p> <p>15 Food Town Mart, correct?</p> <p>16 A. I bought it in November of 2017.</p> <p>17 Q. Who did you buy it from?</p> <p>18 A. From Villard Food Town.</p> <p>19 Q. So did you buy Nofal or did you buy Food Town</p> <p>20 Mart? What did you buy in 2017?</p> <p>21 A. I buy Nofal Food Town Mart. It's the same</p> <p>22 company.</p> <p>23 Q. So you bought the LLC, Nofal LLC, which was doing</p> <p>24 business as Food Town --</p> <p>25 A. No. No. No.</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Other than talking to your attorney, did you do</p> <p>2 anything else to prepare for this deposition?</p> <p>3 A. No.</p> <p>4 Q. Did you read any documents?</p> <p>5 A. I don't have no documents.</p> <p>6 Q. Well, did you read any documents to prepare for</p> <p>7 this deposition, whether you have them or not?</p> <p>8 A. No.</p> <p>9 Q. Did you read the complaint in this lawsuit?</p> <p>10 A. Yes.</p> <p>11 Q. Did you read the answer that both you and Nofal</p> <p>12 LLC filed?</p> <p>13 A. Yes.</p> <p>14 Q. Do you understand that my client, Prepared Food</p> <p>15 Photos, is making an allegation of copyright infringement</p> <p>16 in this lawsuit?</p> <p>17 A. Yes.</p> <p>18 Q. Do you understand that my client is alleging that</p> <p>19 somebody took one of its photos and posted it on a Facebook</p> <p>20 page without their permission?</p> <p>21 A. No.</p> <p>22 Q. You don't understand that that's the allegation</p> <p>23 at issue in this lawsuit?</p> <p>24 A. No.</p> <p>25 Q. Well, what is your understanding of what this</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. No. Okay. All right. Tell me what you bought.</p> <p>2 Because I'm trying to figure it out.</p> <p>3 A. I bought Villard Food Town and it become -- I</p> <p>4 change the name to Food Town LLC -- Food Town Mart, Nofal</p> <p>5 LLC.</p> <p>6 Q. Who did you buy Villard Food Town from?</p> <p>7 A. From Frank.</p> <p>8 Q. Frank. What's Frank's last name?</p> <p>9 A. Same last name.</p> <p>10 Q. Same Jaber last name, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Is there a family relation between you and Frank</p> <p>13 Jaber?</p> <p>14 A. Yes. My brother.</p> <p>15 Q. Was there a purchase agreement when you bought</p> <p>16 Villard Food Town?</p> <p>17 A. Yes.</p> <p>18 Q. A written purchase agreement? I'm sorry.</p> <p>19 A. Yes.</p> <p>20 Q. And you have owned this grocery store ever since</p> <p>21 November 2017, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And how soon after you bought it in</p> <p>24 November of 2017 did you change the name to Food Town Mart?</p> <p>25 A. The same day I purchase.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Q. Walk me through this. I'm assuming the store has 2 like signage on the outside that said Villard Food Town in 3 2017, right? 4 A. Yes. 5 Q. And then after you bought it, did you change the 6 sign from Villard Food Town to Food Town Mart? 7 A. No. 8 Q. So the sign still said Villard Food Town? 9 A. Yes. 10 Q. Does it still say that today? 11 A. Yes. 12 Q. If you changed the name from Food Town Mart why 13 didn't you change the sign? 14 A. You couldn't -- by the city ordinance today, you 15 got to take the sign down and it's an old sign. It's way 16 up in the sky. It's 50 feet high, and I'm not willing to 17 spend one hundred thousand dollars on a sign. 18 Q. That's fair. So the sign as of today still says 19 Villard Food Town, correct? 20 A. Yes. 21 Q. Whether it's Villard Food Town or Food Town Mart, 22 how do you advertise your grocery store? 23 A. I don't advertise. 24 Q. Do you have a website? 25 A. No, I don't.</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Any type of online presence whatsoever? 2 A. No. 3 MR. DESOUZA: I'm going to go ahead and mark as 4 Exhibit 2 for today's deposition a copy of the 5 complaint in this lawsuit. 6 (Exhibit No. 2 was marked for identification.) 7 BY MR. DESOUZA: 8 Q. Do you see that on the screen, sir? 9 A. Yes. 10 Q. And I'm assuming this is the complaint that you 11 were served with that notified you of this lawsuit. Is 12 that right? 13 A. Yes. 14 Q. Did you know about this lawsuit prior to this 15 complaint being filed, the Second Amended Complaint? 16 A. No. 17 Q. Did your brother ever reach out to you, Frank 18 Jaber, and let you know that a lawsuit had been filed 19 against Villard Food Town? 20 A. No. 21 Q. Are you aware that Villard Food Town's attorney 22 is the one that identified you as the owner of the store 23 and the one responsible for this infringement? 24 A. No. 25 Q. Do you have a good relationship with your brother</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. Have you ever had a website for -- 2 A. No. 3 Q. -- Food Town Mart or Villard Food Town? 4 A. No. For Food Town Mart I never had -- I don't 5 have any website. I do not advertise at all. 6 Q. Well, do you do ads? 7 A. No, I don't do it. 8 Q. Weekly ads or -- 9 A. No, sir. I don't do no ads. 10 MR. STEINLE: Sharif, if I may please ask, for 11 the court reporter, please wait until he finishes his 12 question. Again, just we'll get through this, but 13 just please wait until he finishes his question. 14 MR. DESOUZA: Yes. It's hard for her to take 15 down both of us if we're talking at the same time, 16 Mr. Jaber. Okay? 17 THE WITNESS: All right. 18 BY MR. DESOUZA: 19 Q. What about social media? Has Villard Food Town 20 or Food Town Mart ever had a Facebook page? 21 A. No. 22 Q. What about a Twitter page? 23 A. No. 24 Q. Instagram? 25 A. No.</p>	<p style="text-align: right;">Page 16</p> <p>1 at this point, Frank Jaber? 2 A. Yes. 3 Q. Do you talk to him often? 4 A. Yes. 5 Q. How often? 6 A. Weekly. 7 Q. But you're telling me your brother never told you 8 that a lawsuit was filed against his company with respect 9 to the Food Town Mart? 10 A. We don't talk about business. 11 Q. This is the lawsuit that was filed, the complaint 12 that was filed against you and Nofal. You understand that, 13 correct? 14 A. Yes. 15 Q. Now, paragraph 12 of this complaint states that 16 this photograph is at issue in this lawsuit, and it appears 17 to be a photograph of pork chops. You see that, right? 18 A. Yes. 19 Q. And the complaint goes on to say -- let's look at 20 it here. It says that Nofal owns and operates a full-line 21 grocery store located in Milwaukee, Wisconsin under the 22 trade name Food Town Mart and/or Foodtown Mart. Do you see 23 that? 24 A. Yes. 25 Q. That's a correct statement, right?</p>

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<p style="text-align: right;">Page 17</p> <p>1 A. Uh-huh.</p> <p>2 Q. Sorry. You've got to say --</p> <p>3 A. Yes.</p> <p>4 Q. Thank you. Then the next paragraph, 16 of the</p> <p>5 complaint, says that you, Mr. Jaber, are the manager and</p> <p>6 sole member of Nofal LLC. That's a correct statement as</p> <p>7 well, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What about the next sentence that says</p> <p>10 Jaber has exclusive control over the business activities of</p> <p>11 -- I don't know where Little Pine comes from, but let's</p> <p>12 cancel that question. Okay? Is that okay with you if I</p> <p>13 just cancel that question?</p> <p>14 MR. STEINLE: Yes. If you want to withdraw the</p> <p>15 question, fine. Yes.</p> <p>16 BY MR. DESOUZA:</p> <p>17 Q. Okay. Thank you.</p> <p>18 Mr. Jaber, do you have exclusive control over</p> <p>19 the business activities of Nofal LLC?</p> <p>20 A. Yes.</p> <p>21 Q. Now, the next paragraph says Nofal LLC</p> <p>22 advises/markets its products primarily through its website,</p> <p>23 which has this villard-food-town.business.site address</p> <p>24 here. You see that, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 19</p> <p>1 incorrect statement. He's told you -- he testified</p> <p>2 he doesn't have a website.</p> <p>3 BY MR. DESOUZA:</p> <p>4 Q. Okay. Well, are you aware that there is a</p> <p>5 Villard Food Town website on the internet available as of</p> <p>6 today, sir?</p> <p>7 MR. STEINLE: Object. It's asked and answered.</p> <p>8 Go ahead.</p> <p>9 A. Sir, I'm computer illiterate. I do not know how</p> <p>10 to open the computer and get on the computer. So there is</p> <p>11 no need for your question, because I don't know anything</p> <p>12 about computer. That's the bottom line.</p> <p>13 BY MR. DESOUZA:</p> <p>14 Q. Okay. Now, this complaint, sir, says that on</p> <p>15 September 28, 2020. You see that in paragraph 18, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Now, that was during your ownership of Food Town</p> <p>18 Mart, correct?</p> <p>19 A. Correct.</p> <p>20 Q. It says that Nofal published the work on its</p> <p>21 business Facebook page, and it provides that URL.</p> <p>22 And you say, no, that didn't happen because</p> <p>23 Nofal or Food Town Mart has never had a Facebook page,</p> <p>24 correct?</p> <p>25 A. No, sir. I repeat, I do not ever advertise.</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Have you ever had any affiliation with that URL,</p> <p>2 that villard-food-town website?</p> <p>3 A. No.</p> <p>4 MR. STEINLE: I'm just going to object to the</p> <p>5 form of the question. The answer can stand. We</p> <p>6 filed an answer and affirmative defenses to the</p> <p>7 complaint addressing these paragraphs, but his answer</p> <p>8 could stand.</p> <p>9 BY MR. DESOUZA:</p> <p>10 Q. So, Mr. Jaber, you don't know that website,</p> <p>11 correct?</p> <p>12 A. No, I don't.</p> <p>13 Q. You've never seen that website before?</p> <p>14 A. No.</p> <p>15 Q. And your testimony is that Food Town Mart or</p> <p>16 Villard Food Town, under your ownership, has never had a</p> <p>17 website?</p> <p>18 A. No.</p> <p>19 Q. Are you aware that there is a Villard Food Town</p> <p>20 website that's out there?</p> <p>21 A. I don't know.</p> <p>22 Q. You are not aware of whether your own business</p> <p>23 that you have owned since 2017 has a website on the</p> <p>24 internet?</p> <p>25 MR. STEINLE: Object to the form. But that's an</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Other than this lawsuit, have you ever had anyone</p> <p>2 accuse either you or Nofal or Food Town Mart of copyright</p> <p>3 infringement --</p> <p>4 A. No.</p> <p>5 Q. -- of using a photograph without permission?</p> <p>6 A. No.</p> <p>7 MR. DESOUZA: Okay. All right. So here is what</p> <p>8 I'm going to do, I'm going to mark Exhibit 3.</p> <p>9 (Exhibit No. 3 was marked for identification.)</p> <p>10 BY MR. DESOUZA:</p> <p>11 Q. Sir, I have put up on the screen what we have</p> <p>12 marked as Exhibit 3 to today's deposition. This is a copy</p> <p>13 of a Facebook page. There is a URL at the top of the page.</p> <p>14 It is facebook.com/villardfoodtown. And this is just a</p> <p>15 screenshot. If you see at the very bottom of the page,</p> <p>16 that was captured today on September 26, 2023. Do you see</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Now, looking at the picture, at the top of</p> <p>20 page there, do you see the way it says "Villard Food Town"</p> <p>21 kind of on a red sign on the right of the screen?</p> <p>22 A. Yes.</p> <p>23 Q. Is that sign there on the store today?</p> <p>24 A. No.</p> <p>25 Q. And then I see "You're Someone Special" written</p>

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<p style="text-align: right;">Page 21</p> <p>1 in big letters on the top of the store. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Is that there today?</p> <p>4 A. Yes.</p> <p>5 Q. Was that Villard Food Town sign in red there</p> <p>6 previously?</p> <p>7 A. Yes.</p> <p>8 Q. When was that taken down?</p> <p>9 A. Maybe a year after I took over. Two years.</p> <p>10 Year and a half. I can't remember right now. I took it</p> <p>11 down. I was trying to take the other sign down and they</p> <p>12 want a hundred thousand dollars. I cannot take it down.</p> <p>13 Q. All right. Now, do you see this photograph</p> <p>14 that's in the circle over here?</p> <p>15 A. Yes.</p> <p>16 Q. It looks like it says "Villard Food Town" on a</p> <p>17 yellow sign. Is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Is that the large sign that you are saying is</p> <p>20 still there today?</p> <p>21 A. Yes.</p> <p>22 Q. Looking at the picture that says "You're Someone</p> <p>23 Special" on it, what's different about the way the store</p> <p>24 looks today than viewable in this photograph in Exhibit 3?</p> <p>25 A. It doesn't have the Villard Food Town name on</p>	<p style="text-align: right;">Page 23</p> <p>1 A. No.</p> <p>2 Q. Okay. So you have no idea who has this Facebook</p> <p>3 account, correct?</p> <p>4 A. No, sir. I don't have.</p> <p>5 Q. Okay. Well, let's go ahead and take that down.</p> <p>6 Now, you said that your store has never done</p> <p>7 ads, correct?</p> <p>8 A. Yes.</p> <p>9 Q. You don't do weekly ads. You don't do any type</p> <p>10 of ads whatsoever, correct?</p> <p>11 A. Yes.</p> <p>12 (Exhibit No. 4 was marked for identification.)</p> <p>13 BY MR. DESOUZA:</p> <p>14 Q. So let me show you what I'm going to mark as</p> <p>15 Exhibit 4. Exhibit 4 is a copy of a Facebook post. As you</p> <p>16 can see it, on the right side it says April 1, 2020,</p> <p>17 correct?</p> <p>18 A. I can't see, but --</p> <p>19 Q. Well, I want to make sure that you are seeing the</p> <p>20 same thing that I'm seeing, sir.</p> <p>21 A. No, I can not see it.</p> <p>22 MR. DESOUZA: Tim, can you perhaps help him with</p> <p>23 it? Because it's on the top right side. I want to</p> <p>24 make sure that you guys can see what I see. It might</p> <p>25 be behind the Zoom video stuff.</p>
<p style="text-align: right;">Page 22</p> <p>1 it. I took the name off that, but I don't take the sign</p> <p>2 off.</p> <p>3 Q. So that's the only change looking at this photo</p> <p>4 to today, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Now, let me just look at this Facebook page, sir.</p> <p>7 It does say Food Town Mart here, correct, right at the top</p> <p>8 of the page?</p> <p>9 A. That's what it say.</p> <p>10 Q. Now, it has an address right here where my mouse</p> <p>11 is of 3217 West Villard Avenue, Milwaukee, Wisconsin,</p> <p>12 correct? Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. That's the address of your store, correct?</p> <p>15 A. Yes, that's my address.</p> <p>16 Q. Okay. And the most recent post on Facebook that</p> <p>17 is displayed on this screen is July 3, 2022. Do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. And it says "fresh chicken wings on sale, \$2.49 a</p> <p>21 pound," right?</p> <p>22 A. Yes.</p> <p>23 Q. Does that appear to be a picture from your store?</p> <p>24 A. No, sir.</p> <p>25 Q. That's not?</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. STEINLE: I don't see it either.</p> <p>2 MR. DESOUZA: Jamie, I'll solicit your input.</p> <p>3 THE COURT REPORTER: I can see it. It's just</p> <p>4 very small. Maybe you want to enlarge it for them.</p> <p>5 MR. DESOUZA: How about now guys?</p> <p>6 MR. STEINLE: Can you see that date now, Sharif?</p> <p>7 THE WITNESS: Yes.</p> <p>8 MR. STEINLE: It's right there on the top, April</p> <p>9 1, 2020.</p> <p>10 THE WITNESS: Yes. Uh-huh.</p> <p>11 BY MR. DESOUZA:</p> <p>12 Q. Now, Mr. Jaber, you owned Food Town Mart on</p> <p>13 April 1, 2020, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Now, this Facebook account for Food Town Mart is</p> <p>16 posting what appears to be some type of advertisement "Mix</p> <p>17 or Match 10 for \$10," correct? Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Has Food Town Mart ever offered for sale a</p> <p>20 promotion 10 for \$10?</p> <p>21 A. No, sir.</p> <p>22 Q. And this is not an ad that you have ever used for</p> <p>23 your store, correct?</p> <p>24 A. No. No, sir.</p> <p>25 Q. Let me ask you a question. Are you aware of</p>

6 (Pages 21 to 24)

<p style="text-align: right;">Page 25</p> <p>1 another Food Town Mart in the Milwaukee, Wisconsin area?</p> <p>2 A. Yes. There is three.</p> <p>3 Q. Is there any other one at the 3217 address that</p> <p>4 you operate your store at?</p> <p>5 A. No, sir.</p> <p>6 Q. Okay. Do you know who owns --</p> <p>7 A. Huh?</p> <p>8 Q. Do you know who owns these other Food Town Marts,</p> <p>9 these other three that you say?</p> <p>10 A. I don't know the names. I know there's other</p> <p>11 people who own food towns.</p> <p>12 Q. Well, other people in your family perhaps? Other</p> <p>13 Jabers?</p> <p>14 A. No.</p> <p>15 Q. So as far as you know, the only Food Town Mart</p> <p>16 owned by a Jaber is the Food Town Mart on 3217, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you know who owned that store prior to</p> <p>19 your brother Frank?</p> <p>20 A. No.</p> <p>21 MR. DESOUZA: Let's go ahead and mark Exhibit 5.</p> <p>22 (Exhibit No. 5 was marked for identification.)</p> <p>23 BY MR. DESOUZA:</p> <p>24 Q. Exhibit 5 is another Facebook screenshot from the</p> <p>25 same facebook.com/villardfoodmart account. You see that on</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Some employees.</p> <p>2 Q. Okay. Give me their names.</p> <p>3 A. Mack McLaughlin.</p> <p>4 Q. You are going to have to spell that for the court</p> <p>5 reporter.</p> <p>6 A. M-A-C-K, McLaughlin. Okay. I got the Mexican</p> <p>7 guys. They're not working with me right now. One of them</p> <p>8 is Fernando and Jose. I got cashiers. I got Tommy White.</p> <p>9 And I got a Michelle -- I forgot her last name. I forgot</p> <p>10 her last name. I can't remember.</p> <p>11 Q. Okay. Mr. Jaber, tell me what does Mack</p> <p>12 McLaughlin do for you?</p> <p>13 A. He kind of stock everything, order if I need to</p> <p>14 order. You know, he's --</p> <p>15 Q. Does he have a position with the store? Like is</p> <p>16 he manager? Assistant manager?</p> <p>17 A. Assistant manager.</p> <p>18 Q. What about Fernando and Jose? What do they do?</p> <p>19 A. Butchers.</p> <p>20 Q. Butchers. The cashiers, I assume their job is</p> <p>21 limited to running the cashier machine?</p> <p>22 A. Yes.</p> <p>23 Q. Checking people out?</p> <p>24 A. Yes.</p> <p>25 Q. What about Tommy -- was it White or While?</p>
<p style="text-align: right;">Page 26</p> <p>1 the screen, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Now, this exhibit is showing a post on this</p> <p>4 Facebook account from September 28, 2020 of those same pork</p> <p>5 chop photos that are at issue in our lawsuit. Appears to</p> <p>6 be the same pork chops, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And here is "fresh chicken drumsticks, \$0.99 a</p> <p>9 pound; fresh pork spareribs \$1.99 a pound; fresh boneless</p> <p>10 cut pork chops \$2.29 a pound," correct?</p> <p>11 A. Yes.</p> <p>12 Q. And is it your testimony, sir, under oath that</p> <p>13 these are not sales that you were having, or advertised</p> <p>14 prices that you were having at your Food Town Mart at this</p> <p>15 time frame?</p> <p>16 A. No, sir.</p> <p>17 Q. Sir, do you have any idea who owns this Facebook</p> <p>18 account?</p> <p>19 A. No.</p> <p>20 Q. How many employees do you have, or did you have</p> <p>21 in the September 2020 time frame?</p> <p>22 A. Six.</p> <p>23 Q. Okay. Are you one of those six or --</p> <p>24 A. Yes.</p> <p>25 Q. So who are the other people?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. White.</p> <p>2 Q. What does he do?</p> <p>3 A. That's a her.</p> <p>4 Q. Her.</p> <p>5 A. She is a cashier and stocker.</p> <p>6 Q. So I'm sorry. It's Tammy, not Tommy, correct?</p> <p>7 A. No, it's Tommy.</p> <p>8 Q. And she is a cashier?</p> <p>9 A. And a stocker.</p> <p>10 Q. What about Michelle? What does she do?</p> <p>11 A. A cashier.</p> <p>12 Q. All these people that you named, were they all</p> <p>13 with you in September 2020?</p> <p>14 A. Yes.</p> <p>15 Q. Anybody that you had employed back then that's</p> <p>16 not employed with you today?</p> <p>17 A. Only one that's left is Mack. That's the only</p> <p>18 one that work with me right now.</p> <p>19 Q. That's the only one that's still there today?</p> <p>20 A. Yes.</p> <p>21 Q. Have you had discussions with Mack with respect</p> <p>22 to the existence of this Facebook page?</p> <p>23 A. No.</p> <p>24 Q. Did you try to discuss with any of your former</p> <p>25 employees where this Facebook page came from?</p>

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 A. They not -- they are not employed by me now and 2 I don't have no connection with them. 3 Q. Okay. So you haven't reached out to any of those 4 former employees to say -- 5 A. No, sir. 6 Q. -- hey, what's this Facebook page? 7 A. No. 8 Q. What about your brother? Have you discussed with 9 your brother why does Villard Food Town have a Facebook 10 page? 11 A. No. 12 Q. Other than your attorney, have you had 13 conversations with anyone about -- 14 A. No. 15 Q. -- why is it that my store seems to have a 16 Facebook page? 17 A. No, sir. 18 Q. Okay. Let's do this -- I'm not going to mark it 19 as an exhibit right now. I'm going to put the internet 20 itself up on the screen. 21 So on my screen, do you see my internet window 22 right now? 23 A. Yes. 24 Q. And you see we're on the 25 facebook.com/villardfoodtown site? Do you see that here at</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Have you ever sold hookahs? 2 A. No. 3 Q. Are you aware of what the Food Town Smoke Shop 4 is? 5 A. No. 6 Q. Well, you are there at the plaza where the Food 7 Town Mart is on a daily basis, correct? 8 A. Yes. 9 Q. Is there any business located there that sells 10 hookahs or smoke shop things? 11 A. In the area, yes, there is. But not -- not in 12 the plaza. 13 Q. Not in the plaza? 14 A. Uh-huh. 15 Q. Okay. 16 A. There's some on Teutonia, and there's some on 17 Villard. 18 Q. Scroll down to a post from April 28, 2021. It 19 appears to be a video of -- I don't know. It says 20 "cookies" but it's lit up. Does this appear to be taken 21 inside your store? 22 A. No, sir. 23 Q. Okay. What about this video that's 27 seconds 24 long from April 14 of 2021? Does this appear to be taken 25 inside the Food Town store?</p>
<p style="text-align: right;">Page 30</p> <p>1 the top, Facebook.com/villardfoodtown? 2 A. Right now it's too small. 3 Q. On your screen, sir, we are looking at a Facebook 4 page, and you should see that photo of the store as it 5 existed around the time you bought it, correct? 6 A. Yes. 7 Q. Okay. Do you have a Facebook account yourself? 8 A. I don't have. Never do the Facebook advertise. 9 Q. I didn't ask whether you advertise on Facebook. 10 I asked whether you have a Facebook account yourself. 11 A. For myself? Yes, I do. 12 Q. So you have used Facebook before, correct? 13 A. Yes. 14 Q. Now, on this Facebook page that we have up on the 15 screen, you see we see that same July 2022 "chicken wings 16 on sale for \$2.49 a pound," correct? 17 A. Yes. 18 Q. And as we scroll down, we have another one for 19 "4/20 sale; small trays 4 for \$20 dollars; bongs for 20 42 percent off, hookahs for 25 percent off." Do you see 21 that? 22 A. Yes. 23 Q. Do you sell hookahs at the Villard Food Town 24 store? 25 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No, sir. 2 Q. And you have never sold hookahs at your store, 3 correct? 4 A. Not at the time I own it. 5 Q. Well, so from November of 2017 through today, you 6 have never sold hookahs at the Food Town Mart store in 7 Milwaukee, correct? 8 A. No, sir. 9 Q. You have a license with the City of Milwaukee to 10 sell hookahs, don't you -- 11 A. No, sir. 12 Q. -- or sell smoke shop related items? 13 A. No, sir. 14 Q. You sell cigarettes and tobacco related items at 15 the store, correct? 16 A. Cigarettes and cigar, yes, but not no smoke 17 shop. Smoke shop is different than tobacco. 18 Q. What about mobile phones? Have you sold mobile 19 phones at the Food Town Mart? 20 A. No, sir. 21 Q. What about speakers? Have you ever sold 22 speakers? 23 A. Not at the time I own it, sir. 24 Q. Can you think of any reason why someone would be 25 posting in March of 2021 on a Food Town Mart Facebook page</p>

8 (Pages 29 to 32)

<p style="text-align: right;">Page 33</p> <p>1 that speakers are back in stock at 3217 West Villard</p> <p>2 Avenue, Milwaukee, Wisconsin?</p> <p>3 A. I have no idea.</p> <p>4 Q. Can you think of any person who could be running</p> <p>5 this Facebook page other than someone connected to your</p> <p>6 store?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you made any effort whatsoever to</p> <p>9 investigate who is running this Facebook account?</p> <p>10 A. No. I don't -- I never investigate because I</p> <p>11 don't know how to go through -- like I say, I'm not</p> <p>12 computer literate, so I never went in to find out --</p> <p>13 Q. Sir, as you sit here today, are you concerned</p> <p>14 that there is a Facebook page out there supposedly for Food</p> <p>15 Town Mart with dozens if not hundreds of posts purporting</p> <p>16 to be your store at 3217? Does that cause you any concern?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Why?</p> <p>19 A. Because I seen like the name is my store name</p> <p>20 and my address. So I should be worried if there is</p> <p>21 somebody using my name.</p> <p>22 Q. Okay. Now, up on the screen there is a post from</p> <p>23 January 30, 2021 from Food Town Mart saying --</p> <p>24 congratulating today's hookah raffle winners. Do you see</p> <p>25 that?</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. What about this photograph in May 17,</p> <p>2 2020, "hand sanitizer back in stock"? Do you believe this</p> <p>3 is not the inside of your 3217 store?</p> <p>4 A. No, that's not.</p> <p>5 Q. Let me take this down for a moment, sir.</p> <p>6 A. Talk about hair and some speaker and --</p> <p>7 Q. I'm sorry. What was that, sir?</p> <p>8 A. No. Nothing. That's okay. Go ahead.</p> <p>9 Q. Well, no. I mean, if you are speaking it's on</p> <p>10 the record, and I need to know what it is you said so that</p> <p>11 the court reporter --</p> <p>12 A. I said you got a picture of hair shop and</p> <p>13 speakers and phones and -- I'm a grocery store. I do not</p> <p>14 sell any of this. I don't know where you get this picture</p> <p>15 from, but I do not sell any of these products. I sell</p> <p>16 grocery. I sell produce, watermelon, tomatoes,</p> <p>17 potatoes -- I do not sell this stuff. I do not sell hair</p> <p>18 products. I do not -- I'm just straight grocery.</p> <p>19 MR. DESOUZA: All right, sir. Let's go ahead</p> <p>20 and mark Exhibit 6.</p> <p>21 (Exhibit No. 6 was marked for identification.)</p> <p>22 BY MR. DESOUZA:</p> <p>23 Q. Do you see that on the screen, sir, what we</p> <p>24 marked as Exhibit 6?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. And you got two people standing in front of</p> <p>3 shelves in a store, correct?</p> <p>4 A. Uh-huh.</p> <p>5 Q. What they are standing in front of, does that</p> <p>6 appear to be your store at 3217?</p> <p>7 A. No.</p> <p>8 Q. Okay. And if we have photographs from inside</p> <p>9 your store that appear to show a similar layout and look,</p> <p>10 you don't believe that's your store?</p> <p>11 MR. STEINLE: Object to the form. Go ahead and</p> <p>12 answer it.</p> <p>13 A. No.</p> <p>14 BY MR. DESOUZA:</p> <p>15 Q. Okay. Have you ever hired any company to do</p> <p>16 advertising on behalf of the Villard Food Town or Food Town</p> <p>17 Mart?</p> <p>18 A. No.</p> <p>19 Q. This ten-second video here from August 20, 2020,</p> <p>20 it appears to be showing video from inside a store. You</p> <p>21 see the video, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Does this appear to be the inside of the Food</p> <p>24 Town Mart store?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. It's another one of these Facebook pages, where</p> <p>2 if you see at the top it's the same</p> <p>3 facebook.com/villardfoodtown? Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Now, Food Town Mart on November 12, 2019 looks</p> <p>6 like it posted an article from FOX6NOW.COM with an article</p> <p>7 titled "I'm really frustrated: Food Town Mart owner says</p> <p>8 he'll have to close due to smell coming from nearby plant."</p> <p>9 Do you see that?</p> <p>10 A. Not really. Where is this -- where does it say</p> <p>11 that?</p> <p>12 Q. Smack dab in the middle of the screen. "I'm</p> <p>13 really frustrated: Food Town Mart owner says he'll have to</p> <p>14 close due to smell coming from nearby plant." Do you see</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. Now, do you recall being interviewed by Fox News</p> <p>18 in 2019 about some smell or pollution issue?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Now, I will represent to you that that</p> <p>21 link that this FOX6NOW.COM opens up as to this page.</p> <p>22 A. Okay.</p> <p>23 Q. So this is a Fox article. "Frustrated Food Town</p> <p>24 Mart owner says he'll have to close due to smell coming</p> <p>25 from nearby plant". And it looks like there is a video on</p>

<p style="text-align: right;">Page 37</p> <p>1 the article. And, sir, I'm not very good with faces, but</p> <p>2 that appears to be you in the video capture, correct?</p> <p>3 A. Yes, that's me.</p> <p>4 Q. So what was going on at the time here that you</p> <p>5 were interviewed with Fox?</p> <p>6 A. There was a garbage plant that opened across the</p> <p>7 street from me, and I lost half of my business and I was</p> <p>8 ready to close.</p> <p>9 Q. Okay. So you were interviewed by Fox, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And in this article it looks like we got that big</p> <p>12 yellow sign. That's the yellow sign that's above the</p> <p>13 store, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Let me go ahead and stop sharing that for a</p> <p>16 moment.</p> <p>17 Sir, do you see this on my screen, the Fox</p> <p>18 article? The same one we were just looking at in Exhibit</p> <p>19 6.</p> <p>20 A. Okay.</p> <p>21 Q. You see that, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Give me one moment here. I'm going to hit play</p> <p>24 on this, but I don't know if it's going to play sound on</p> <p>25 your end, but tell me if you hear the sound.</p>	<p style="text-align: right;">Page 39</p> <p>1 Because if my math is correct, 2017 to November 2019 is not</p> <p>2 15 years.</p> <p>3 A. Yes. I meant my brother and me own that</p> <p>4 business at that time for 15 years.</p> <p>5 Q. Well, you didn't tell me earlier that you had any</p> <p>6 ownership in the business for 15 years --</p> <p>7 A. I don't have ownership. I'm just saying it's a</p> <p>8 matter of saying that my brother used to own it and then I</p> <p>9 own it and we have been there for 15 years.</p> <p>10 Q. Okay. Well, let's keep going in the video, sir.</p> <p>11 Actually, I'm going to make the video bigger. I don't know</p> <p>12 if it shows up big on your screen. Is it big on the screen</p> <p>13 now? Occupying the screen?</p> <p>14 A. Yes. It's big.</p> <p>15 Q. It's big. Okay. Great. So let's keep going.</p> <p>16 (Video was played.)</p> <p>17 BY MR. DESOUZA:</p> <p>18 Q. Let me pause there. Have you seen this video</p> <p>19 before, sir?</p> <p>20 A. Yeah.</p> <p>21 Q. Yes, you have? You saw the video?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Any understanding as to why this Facebook account</p> <p>24 is posting this news article of you being interviewed on</p> <p>25 its Facebook account?</p>
<p style="text-align: right;">Page 38</p> <p>1 Are you able to hear that on your end?</p> <p>2 A. No.</p> <p>3 Q. Give me one moment here. Let's try that again.</p> <p>4 (Video was played.)</p> <p>5 BY MR. DESOUZA:</p> <p>6 Q. Can you hear that now?</p> <p>7 A. Yeah.</p> <p>8 (Video was played.)</p> <p>9 BY MR. DESOUZA:</p> <p>10 Q. Let me just pause for a moment there. You are</p> <p>11 watching the same video as I am as part of this Fox6 News</p> <p>12 article, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And currently paused on the screen it appears to</p> <p>15 be you being interviewed by some reporter, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Let's keep going on the video.</p> <p>18 (Video was played.)</p> <p>19 BY MR. DESOUZA:</p> <p>20 Q. Now, if I heard correctly, I think you just spoke</p> <p>21 in this interview and said "I owned this business for</p> <p>22 almost 15 years." Did I hear that correct?</p> <p>23 A. Yes.</p> <p>24 Q. So how can you reconcile that with your statement</p> <p>25 earlier today that you bought this business in 2017?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I saw this video on the news. I don't see it on</p> <p>2 the Facebook.</p> <p>3 Q. Right. And I'm only asking you do you have any</p> <p>4 understanding why the Facebook account is posting your news</p> <p>5 interview?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 (Video was played.)</p> <p>9 BY MR. DESOUZA:</p> <p>10 Q. Okay. That was you again, sir, right?</p> <p>11 A. Yeah.</p> <p>12 Q. All right. Sir, I paused the video. It looks</p> <p>13 like it's about a minute and 45, a minute and 46 seconds</p> <p>14 into the video. And this is your store, correct?</p> <p>15 A. Yes.</p> <p>16 Q. I guess you got the sign at the back there that</p> <p>17 says "check cashing and bill payment center." Is that</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Is that a part of your store that you have there?</p> <p>21 A. Yes.</p> <p>22 Q. Sir, I'm not too familiar with products in a</p> <p>23 grocery store, but do you see there these blue and green</p> <p>24 items up on the shelves over here?</p> <p>25 A. Yes.</p>

10 (Pages 37 to 40)

<p style="text-align: right;">Page 41</p> <p>1 Q. Those are hookahs, aren't they?</p> <p>2 A. No. That's gift box.</p> <p>3 Q. I'm sorry. You have gift boxes with pipes that</p> <p>4 run up and down them --</p> <p>5 A. Yes.</p> <p>6 Q. -- up into the sky like that?</p> <p>7 A. Yes.</p> <p>8 Q. I mean, sir, you are under oath. You want me to</p> <p>9 believe that those are gift boxes?</p> <p>10 MR. STEINLE: Object to the form. It's</p> <p>11 argumentative. He answered the question.</p> <p>12 BY MR. DESOUZA:</p> <p>13 Q. Sir, you understand what being under oath means,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. You understand what the concept of perjury is?</p> <p>17 A. Yes.</p> <p>18 Q. You know that's a crime, correct?</p> <p>19 A. Yes.</p> <p>20 Q. So knowing that, your testimony is, looking at</p> <p>21 this screen capture on the screen, and I will be very</p> <p>22 specific now, at the very front here we have got these red</p> <p>23 boxes of Stove Top with what appear to be jars of oil next</p> <p>24 to them, correct?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 43</p> <p>1 selling U-haul equipment in the 3217 Food Town Mart store?</p> <p>2 A. Yes.</p> <p>3 Q. Do you still sell the U-Haul equipment there</p> <p>4 today?</p> <p>5 A. I rent them. I don't sell them.</p> <p>6 Q. Oh. You rent U-haul equipment. I apologize.</p> <p>7 You started renting U-haul equipment to the</p> <p>8 public when?</p> <p>9 A. In November 2017.</p> <p>10 MR. DESOUZA: Okay. Let me go and mark Exhibit</p> <p>11 7 to today's deposition.</p> <p>12 (Exhibit No. 7 was marked for identification.)</p> <p>13 BY MR. DESOUZA:</p> <p>14 Q. It's a little small on my screen. I'm just</p> <p>15 trying to make it bigger so you can see it.</p> <p>16 All right. Exhibit 7 is a u-haul.com internet</p> <p>17 article from September 25, 2017 that says "U-haul is</p> <p>18 pleased to announce Villard Food Town has signed on as a</p> <p>19 U-Haul neighborhood dealer to serve the Milwaukee</p> <p>20 community." Do you see that?</p> <p>21 A. No, not really.</p> <p>22 Q. Do you want me to make it bigger for you?</p> <p>23 A. Okay.</p> <p>24 Q. How about now, sir? Do you see that?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Yes?</p> <p>2 A. Yes.</p> <p>3 Q. Now, there's a back wall with some white cabinets</p> <p>4 back here, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Or white panels on the wall. And then underneath</p> <p>7 that, on the top shelf there is a series of blue items on</p> <p>8 the shelf, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Your testimony is these blue items on the shelf</p> <p>11 are gift boxes, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Tell me what goes into a gift box that has what</p> <p>14 appears to be cords and pipes sitting next to the gift box.</p> <p>15 A. It's a display. It's a glass display to go in</p> <p>16 the gift box.</p> <p>17 Q. It's a glass display to go into a gift box,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 MR. DESOUZA: All right. Let's take a</p> <p>21 five-minute restroom break.</p> <p>22 MR. STEINLE: Very well.</p> <p>23 (A recess was taken from 1:58 p.m. until 2:04 p.m.)</p> <p>24 BY MR. DESOUZA:</p> <p>25 Q. Mr. Jaber, at some point in 2017 did you start</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Did I read that first paragraph correctly?</p> <p>2 A. Repeat it.</p> <p>3 Q. Well, it says that Villard Food Town has signed</p> <p>4 on to be a U-haul partner, correct?</p> <p>5 A. That's what this is saying, yeah.</p> <p>6 Q. And it's September 2017. I think you said</p> <p>7 November, but does this help refresh you that it was in</p> <p>8 September?</p> <p>9 A. No. That's for all, you know -- for the other</p> <p>10 people when they own the store.</p> <p>11 Q. Okay. Well, your name is in this article, isn't</p> <p>12 it? Do you see right here, sir? "Villard Food Town owner,</p> <p>13 Sharif Jaber, is proud to team with the industry to</p> <p>14 do-it-yourself -- the industry leader in do-it-yourself</p> <p>15 moving."</p> <p>16 A. I had started working at Villard Food Town</p> <p>17 before I bought it. I had to work in there to see what</p> <p>18 the situation is.</p> <p>19 Q. Well, why is this article identifying you as the</p> <p>20 owner if you were just working there?</p> <p>21 A. I don't know, sir.</p> <p>22 Q. Did you ever tell anyone you were the owner of</p> <p>23 Villard Food Town in September of 2017?</p> <p>24 A. No, sir.</p> <p>25 Q. Are you aware that the Villard Food Town Facebook</p>

11 (Pages 41 to 44)

<p style="text-align: right;">Page 45</p> <p>1 page that we have been looking at in June of 2017 was</p> <p>2 posting U-haul rental ads as well?</p> <p>3 A. No.</p> <p>4 Q. Do you rent U-haul trucks at the store?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And how long have you been doing that</p> <p>7 since?</p> <p>8 A. Since 2017.</p> <p>9 Q. Could it be since June of 2017?</p> <p>10 A. No, sir.</p> <p>11 Q. I just want to close the loop on something here,</p> <p>12 sir. You testified that you don't have ads for the store,</p> <p>13 but I don't think I asked you -- you don't have paper ads</p> <p>14 for the store, correct?</p> <p>15 A. No.</p> <p>16 Q. Like if someone walks into your store, there is</p> <p>17 no paper like, you know, here is what's on sale for this</p> <p>18 week, or here is what's on sale today, correct?</p> <p>19 A. From what we make? We don't make ads for the</p> <p>20 sale.</p> <p>21 Q. Well, whether you make it or not. I mean, you</p> <p>22 are at the store every day, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Seven days a week? Five days a week? How long</p> <p>25 are you there?</p>	<p style="text-align: right;">Page 47</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Who is this national grocery company that</p> <p>3 does the ads?</p> <p>4 A. AWG. Affordable Wholesale Grocery.</p> <p>5 Q. Is that where you get your grocery items from?</p> <p>6 From AWG?</p> <p>7 A. Yes.</p> <p>8 Q. Where are those ads located when I walk into the</p> <p>9 store? Is it like right when I first walk in or --</p> <p>10 A. Yes.</p> <p>11 Q. -- is it by the cashiers?</p> <p>12 A. No. It's right when you walk in.</p> <p>13 Q. You have like a little --</p> <p>14 A. A stand.</p> <p>15 Q. -- stand there with ads?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Go ahead and describe the store for me, sir.</p> <p>18 Because I have never been there. I walk in. What am I</p> <p>19 looking at? What's the layout of the store as I walk in?</p> <p>20 A. The cash register. Then you go inside the</p> <p>21 store.</p> <p>22 Q. Do you know how many square feet the store is</p> <p>23 roughly?</p> <p>24 A. 19,000.</p> <p>25 Q. 19,000 square feet. So I walk in, cash</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Five days.</p> <p>2 Q. And has it been that way pretty consistently</p> <p>3 since 2017?</p> <p>4 A. Yes.</p> <p>5 Q. So you know what's going on inside your store,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So over the last six years that you have</p> <p>9 been at the store, you don't recall there being like paper</p> <p>10 ads for things that are on sale at the store, correct?</p> <p>11 A. Uh-huh.</p> <p>12 Q. I don't know what uh-huh means. Yes, there are</p> <p>13 paper ads, or no, there are not?</p> <p>14 A. Yes.</p> <p>15 Q. Yes, there are paper ads?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Who does your paper ads?</p> <p>18 A. That's a national grocery company that where we</p> <p>19 buy from them, they send there once in a while. They</p> <p>20 don't do it occasionally. I do not print these ads. I do</p> <p>21 not print the ads.</p> <p>22 Q. Do the ads on them, on the paper, have either</p> <p>23 "Villard Food Town" or "Food Town Mart" written on them?</p> <p>24 A. It should.</p> <p>25 Q. They should?</p>	<p style="text-align: right;">Page 48</p> <p>1 register -- I guess, where are the U-haul trucks? Let's</p> <p>2 discuss those.</p> <p>3 A. Outside in the parking lot.</p> <p>4 Q. The U-haul trucks are outside. It looked like</p> <p>5 there was check cashing or other stuff, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Where is that? So I walk into the store, is it</p> <p>8 to my right? To my left?</p> <p>9 A. It's to your right.</p> <p>10 Q. And then on that right side as I continue on,</p> <p>11 what do I have? I've got like meat? Groceries? What's</p> <p>12 over there?</p> <p>13 A. Displays.</p> <p>14 Q. Displays for what?</p> <p>15 A. For different items. For different things.</p> <p>16 Q. Well, I guess -- you know, my grocery store, I</p> <p>17 got the bakery on one side. I got the meats on the other</p> <p>18 side. Is yours laid out similarly?</p> <p>19 A. Yeah. It's laid out similar.</p> <p>20 Q. Okay. So I go past the check cashing. On the</p> <p>21 far right of the store, what's over there?</p> <p>22 A. The meat department.</p> <p>23 Q. The meat department. Okay. And where is the</p> <p>24 bakery department?</p> <p>25 A. It's next to the check cashing.</p>


12 (Pages 45 to 48)

<p style="text-align: right;">Page 49</p> <p>1 Q. Next to the check cashing. Where do I buy like 2 cigarettes and stuff? 3 A. In the front by the cashier. 4 Q. I think I asked you about phones. You guys don't 5 sell phones there, correct? 6 A. No. 7 Q. Have you ever sold phones there? 8 A. Not when since I own it. They used to be 9 selling phones in there. 10 (Exhibit No. 8 was marked for identification.) 11 BY MR. DESOUZA: 12 Q. Okay. Let me show you what we'll mark as Exhibit 13 8. Do you see this up on your screen, sir? 14 A. Yes. 15 Q. Are you familiar with Google Maps? Do you know 16 what that is? 17 A. Uh-huh. 18 Q. Yes? You do? 19 A. Yes. 20 Q. Okay. Does this appear to be a photograph of the 21 outside of the Food Town store? 22 A. Yes. 23 Q. Okay. Do you see here at the -- it's a little 24 small. Let me make it bigger for you. 25 Do you see at the top right of the screen it</p>	<p style="text-align: right;">Page 51</p> <p>1 2019, which last I checked, is two years after you took 2 ownership of the store. 3 A. Okay. 4 Q. Can you explain why in September 2019 the store 5 is advertising phones for sale if you are not selling them? 6 MR. STEINLE: Object to the form, and 7 foundation. Go ahead and answer if you can. 8 A. I could bring you to today, we are in '23, we 9 still have the sign on my windows. I could prove that for 10 you. 11 BY MR. DESOUZA: 12 Q. Okay. So you just haven't bothered to take signs 13 down from prior to when you bought. 14 A. No, sir. 15 Q. I'm assuming these signs are not like the more 16 expensive top sign. It's not going to cost a hundred 17 thousand dollars to take a piece of paper out of your 18 window, correct? 19 MR. STEINLE: Object to form. 20 A. I just don't take them. They are still up in 21 the windows. 22 BY MR. DESOUZA: 23 Q. Okay. Let me take that down, sir. 24 I know you said it's infrequent that AWG 25 produces these ads for your store, correct?</p>
<p style="text-align: right;">Page 50</p> <p>1 says "Google street view, September 2019"? 2 A. Okay. 3 Q. You see that, correct? 4 A. Yes. 5 Q. Okay. If you are not selling phones at the 6 store, sir, why in September 2019 are all of these flyers 7 up? For iPhone 6S? 4 free LG Style 4? Free LG Style 4? 8 Four lines for \$100? 9 Can you explain why these signs are up in your 10 store in September 2019? 11 A. I sell phone cards up to date -- I still sell 12 the phone cards up to date. I don't sell phones. 13 Q. So what do you sell? 14 A. Phone cards. I sell it in the check cashing 15 place. 16 Q. Are you selling plans? 17 A. Huh? 18 Q. Are you selling phone plans? Like service? 19 A. No. 20 Q. Okay. Well, why am I looking at signs that say 21 four lines for \$100, or a free LG Style 4, or an iPhone 6X 22 for \$49.99? Those are all phones. 23 A. I told you, we used to sell phones before I own 24 it. 25 Q. Well, sir, this is a photograph from September of</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes. And they haven't advertised in the last 2 two years. They haven't put an ad in the last two years. 3 Q. Well, I guess let me ask you that then. In the 4 last two years, have you had any paper ads displayed in 5 your store? 6 A. No, sir. 7 Q. Okay. So we'd have to go back two years 8 previously to when AWG was doing this to maybe see what an 9 ad was, correct? 10 A. Yes. 11 Q. Okay. Now, you told me it's a grocery store. 12 And it obviously sells groceries, meat, deli, dairy, that 13 type of stuff, correct? 14 A. Yes. 15 Q. And I think you told me it sells tobacco 16 products, cigarettes -- 17 A. Cigar, yes. 18 Q. You haven't sold any other tobacco related 19 products besides cigarettes and cigars, correct? 20 A. What you mean by related products? 21 Q. Well, what about vaping equipment or -- 22 A. No. I sell vapes. 23 Q. Okay. So you sell vapes. Do you sell the liquid 24 for the vapes? 25 A. Yes.</p>

13 (Pages 49 to 52)

<p style="text-align: right;">Page 53</p> <p>1 Q. Do you sell the -- I'm not a smoker. So do you 2 sell the pipes for the vapes?</p> <p>3 A. Yes. You are asking me -- do you want me to 4 answer you as of now, or as in the past?</p> <p>5 Q. Well, let's start with today. As of today --</p> <p>6 A. Today, I don't sell any liquid or any of them 7 vapes. I sell the disposable vapes.</p> <p>8 Q. Why did you stop selling vapes and liquid? Was 9 it the PACT Act, or was it something else?</p> <p>10 A. That's my decision, sir.</p> <p>11 Q. I just didn't know. Was it government regulation 12 that caused you to stop selling it?</p> <p>13 A. Well, I no answer for that.</p> <p>14 Q. Well, you are going to answer because I asked the 15 question. So go ahead and answer the question please.</p> <p>16 MR. STEINLE: Just answer the question. If you 17 chose not to, answer the question.</p> <p>18 BY MR. DESOUZA:</p> <p>19 Q. Why did you stop selling vape equipment?</p> <p>20 A. Because I don't want to.</p> <p>21 Q. Okay. Besides just "I don't want to," was there 22 some change in government regulation that caused you to 23 stop selling?</p> <p>24 A. No.</p> <p>25 Q. Okay. So that was -- and look, I don't smoke.</p>	<p style="text-align: right;">Page 55</p> <p>1 still sell, and disposable vapes you still sell, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever sold pipes? Like for smoking 4 marijuana? Pipes for smoking other type of tobacco? No?</p> <p>5 A. Yes.</p> <p>6 Q. Yes, you have?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Are you still selling those today?</p> <p>9 A. Yes.</p> <p>10 Q. Where are those located? Is that the --</p> <p>11 A. Behind the counter.</p> <p>12 Q. Behind which counter? The cashier counter?</p> <p>13 A. No. The check cashing place.</p> <p>14 Q. Have you made any material changes to the inside 15 of the store in the last three years?</p> <p>16 A. Yes.</p> <p>17 Q. What have you done to change the inside of the 18 store in the last three years?</p> <p>19 A. I bought new equipment.</p> <p>20 Q. What do you mean by that? What type of 21 equipment?</p> <p>22 A. I bought new shelves, new displays, and new 23 counters, new shelving, new coolers. I did a lot for my 24 store.</p> <p>25 Q. All of that in the last three years or so?</p>
<p style="text-align: right;">Page 54</p> <p>1 So how would you describe what you used to sell? Is it 2 like glass pipes or -- what are we talking about in terms 3 of vaping equipment?</p> <p>4 A. The vape. The machines where you put the 5 liquid. You answer me and I answer you. The liquid. I 6 used to sell them with the machine and I don't sell them 7 no more.</p> <p>8 Q. So the machine was like a plastic or glass pipe 9 that you put the liquid into and you smoke it, correct?</p> <p>10 A. No, sir.</p> <p>11 Q. What is the machine? What does it look like?</p> <p>12 Again, I'm not a vaper.</p> <p>13 A. It's a device.</p> <p>14 Q. Okay. Like probably like six inches? Eight 15 inches? That type of thing?</p> <p>16 A. Two inches.</p> <p>17 Q. Okay. And when did you stop selling those?</p> <p>18 A. About a year ago, year and a half ago.</p> <p>19 Q. That's about the same time you stopped selling 20 the vaping liquid as well?</p> <p>21 A. Yes.</p> <p>22 Q. And since then you have been selling disposable 23 vapes, correct?</p> <p>24 A. Yes.</p> <p>25 Q. So that's cigarettes you still sell, cigars you</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Yes.</p> <p>2 Q. Okay. As of today, you don't sell hookahs, 3 correct?</p> <p>4 A. No hookahs.</p> <p>5 Q. And three years ago you didn't sell hookahs, 6 correct?</p> <p>7 A. No hookahs. I sell the gift box.</p> <p>8 Q. I don't understand what you mean by a gift box. 9 Can you describe this to me?</p> <p>10 A. It's a glass thing make like the hookah suction, 11 but you cannot use it to smoke.</p> <p>12 Q. So it's a glass box that looks like a hookah?</p> <p>13 A. Yes, but you cannot use it to smoke because it 14 doesn't have the pipe or the water holder.</p> <p>15 Q. If I were to buy a pipe or water holder 16 separately, would I be able to use it as a hookah?</p> <p>17 A. No, sir. It's not a hookah.</p> <p>18 Q. Well, it's purely decorative? Like it's just for 19 putting on the shelf as a decoration? Is that what it is?</p> <p>20 A. It's for -- yeah, for decoration.</p> <p>21 Q. Could I transform it into a hookah and actually 22 use it?</p> <p>23 A. No, sir.</p> <p>24 Q. How long have you been selling these decorative 25 glass boxes that are shaped like hookahs?</p>

14 (Pages 53 to 56)

<p style="text-align: right;">Page 57</p> <p>1 A. Four years.</p> <p>2 Q. For four years now?</p> <p>3 A. Yes.</p> <p>4 Q. And you still sell them today, correct?</p> <p>5 A. Yeah.</p> <p>6 Q. You sell them in different colors?</p> <p>7 A. Yes.</p> <p>8 Q. Is blue one of the colors you sell?</p> <p>9 A. Blue. Yellow. Green.</p> <p>10 MR. DESOUZA: Sir, I have no further questions</p> <p>11 for you today.</p> <p>12 MR. STEINLE: Counsel, what I'd like to discuss</p> <p>13 with you on the record is I understand there were a</p> <p>14 number of exhibits. I think eight exhibits. I trust</p> <p>15 that I will be getting copies of the exhibits.</p> <p>16 MR. DESOUZA: Yes. I will send the court</p> <p>17 reporter to Daughters Reporting an email with all</p> <p>18 eight exhibits, and I will copy you on that email as</p> <p>19 well.</p> <p>20 MR. STEINLE: Thank you.</p> <p>21 Madam Court Reporter, may I please have a copy</p> <p>22 of the transcript? I'd like a digital copy, but I</p> <p>23 don't want anything condensed.</p> <p>24 MR. DESOUZA: Do you guys do read or waive out</p> <p>25 there in Wisconsin?</p>	<p style="text-align: right;">Page 59</p> <p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA)</p> <p>4 COUNTY OF BROWARD)</p> <p>5</p> <p>6 I, Jamie Mackrell, certify that Sharif Jaber</p> <p>7 appeared before me via videoconference on the 26th of</p> <p>8 September, 2023, and were duly sworn.</p> <p>9</p> <p>10 WITNESS my name and official seal this 26th of</p> <p>11 September, 2023.</p> <p>12</p> <p>13 </p> <p>14</p> <p>15 <u>Jamie Mackrell</u></p> <p>16 Jamie Mackrell</p> <p>17 Court Reporter</p> <p>18 Notary Public State of Florida</p> <p>19 Commission #HH 173501</p> <p>20 Expires: September 6, 2025</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 58</p> <p>1 MR. STEINLE: We do, but 99 out of 100 we just</p> <p>2 waive. So we will waive.</p> <p>3 (Videoconference concluded at 2:28 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 60</p> <p>1 REPORTER'S DEPOSITION CERTIFICATE</p> <p>2</p> <p>3 State of Florida)</p> <p>4 County of Broward)</p> <p>5</p> <p>6 I, Jamie Mackrell, Court Reporter and Notary</p> <p>7 Public in and for the State of Florida at Large, do hereby</p> <p>8 certify that the aforementioned witness was by me remotely</p> <p>9 via videoconference first duly sworn or affirmed to</p> <p>10 testify the whole truth; that I was authorized to and did</p> <p>11 report said deposition in stenotype; and that the</p> <p>12 foregoing pages numbered 1 to 58, inclusive, are a true</p> <p>13 and correct transcription of my shorthand notes of said</p> <p>14 deposition.</p> <p>15 I further certify that said proceeding was taken</p> <p>16 at the time and place hereinabove set forth and that the</p> <p>17 taking of said deposition was commenced and completed as</p> <p>18 hereinabove set out.</p> <p>19 I further certify that I am not an attorney or</p> <p>20 counsel of any of the parties, nor am I a relative or</p> <p>21 employee of any attorney or counsel of party connected</p> <p>22 with the action, nor am I financially interested in the</p> <p>23 action.</p> <p>24 The foregoing certification of this transcript</p> <p>25 does not apply to any reproduction of the same by any</p> <p>means, unless under the direct control and/or direction of</p> <p>the certifying reporter.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>this 28th of September, 2023.</p> <p><u>Jamie Mackrell</u></p> <p>Jamie Mackrell</p> <p>Certified Court Reporter</p> <p></p> <p></p> <p></p> <p></p> <p></p>

15 (Pages 57 to 60)

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